

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION**

**MISSISSIPPI STATE CONFERENCE OF THE
NATIONAL ASSOCIATION FOR THE
ADVANCEMENT OF COLORED PEOPLE, ET AL.**

PLAINTIFFS

VS.

CIVIL ACTION NO. 3:11CV159-TSL-EGJ-LG

**HALEY BARBOUR, in his official capacity as
Governor of the State of Mississippi, ET AL.**

DEFENDANTS

and

**THE APPORTIONMENT AND ELECTIONS COMMITTEE
OF THE MISSISSIPPI HOUSE OF REPRESENTATIVES,
SENATOR TERRY C. BURTON, and SENATE DEMOCRATIC
CAUCUS**

INTERVENORS

STATEMENT OF PROPOSED EVIDENCE FOR MAY 10, 2011 HEARING

Defendant Jim Hood, in his official capacity as Attorney General of the State of Mississippi and as Member of the State Board of Election Commissioners (“Attorney General”) files this Statement of Proposed Evidence to be submitted at the May 10, 2011 hearing in this matter pursuant to the Court’s April 29, 2011 Order [Docket No. 95].

The Attorney General does not propose to submit any new evidence in support of his position that the Court should order the 2011 House and Senate plans to be adopted as an interim remedy for use during the 2011 elections for the Mississippi Legislature, subject to the reservations to present rebuttal evidence as explained below.

In an effort to ensure the record is complete, and that the Court has all necessary information related to the 2011 House and Senate plans before it, the following exhibits are affixed hereto:

EXHIBIT “A”: 2011 Plan - House Consensus 2;

EXHIBIT “B”: 2011 Plan - Senate Composite 2;

EXHIBIT “C”: House Benchmark Plan 2001 Geography with 2010 Population; and

EXHIBIT “D”: Senate Benchmark Plan 2002 Geography with 2010 Population.

The Attorney General believes there is no dispute as to the authenticity and/or admissibility of these exhibits which were produced by the Standing Joint Legislative Committee on Reapportionment and exist in the public record. Should any party dispute the authenticity and/or admissibility of these exhibits, the Attorney General reserves the right to call a witness(es) at the hearing of this matter on May 10, 2011 so that the exhibits may be accepted by the Court into evidence.

The Attorney General would further reserve the right to call any such witness(es) by way of rebuttal as may be necessary in the event any other party offers proof at the hearing attempting to show that the House and/or Senate plan affixed hereto is unfit for use as an interim remedy on account of violation of the “one person, one vote” principle, the Voting Rights Act, and/or any other state or federal law.

THIS the 5th day of May, 2011.

Respectfully submitted,

JIM HOOD, IN HIS OFFICIAL CAPACITY
AS ATTORNEY GENERAL FOR
THE STATE OF MISSISSIPPI AND AS
MEMBER OF THE STATE BOARD
OF ELECTION COMMISSIONERS

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been filed electronically with the Clerk of Court and thereby served on the following persons who have appeared as counsel of record:

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THIS the 5th day of May, 2011.

S/Justin L. Matheny
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